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SUPREME COURT, U.S.
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IN THE

Supreme Court of the United States

JAZZ PHOTO CORPORATION and
DYNATEC INTERNATIONAL, INC.,

Petitioners,

v.

INTERNATIONAL TRADE COMMISSION
and FUJI PHOTO FILM CO., LTD.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BRIEF IN OPPOSITION FOR RESPONDENT FUJI PHOTO FILM CO., LTD.

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QUESTION PRESENTED FOR REVIEW

The issue presented for review, which the Federal Circuit previously decided in the negative in reliance on *Boesch v. Graff*, 133 U.S. 697 (1890), the only Supreme Court precedent on point, and for which the Federal Circuit denied rehearing, is:

> Whether a foreign sale of a patented product, absent a license or consent by the United States patent owner authorizing sale of the patented product in the United States, exhausts the United States patent right.

PARTIES TO THE PROCEEDING

Petitioner's List of Parties is correct except that it omits GrandwayChina, Ltd., identified as the successor of Petitioner Dynatec International, Inc. ("Dynatec") in Dynatec's July 29, 1999 Motion to Stay Execution of June 2, 1999 General Exclusion Order, and Grandway U.S.A. Corporation, identified as a "real party in interest" in the Certificate of Interest accompanying the Motion.

RULE 29.6 CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6 of the Rules of this Court, Respondent Fuji Photo Film Co., Ltd. states that it has no parent corporation and that no publicly held corporation owns 10% or more of its stock.

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